

## **REMARKS**

This application has been reviewed in light of the Office Action mailed June 20, 2007.

Reconsideration of this application in view of the below remarks is respectfully requested.

Claims 1 – 12 are pending in the application with Claims 1, 5 and 10 being in independent form.

By the present amendment, Claims 1, 2, 5 and 10 are amended and Claims 4 and 12 are canceled.

No new subject matter is introduced into the disclosure by way of the present amendment.

### **I. Rejection of Claims 1 - 12 Under 35 U.S.C. § 101**

Claims 4 and 12 are rejected under 35 U.S.C. § 101 because allegedly the claimed invention is directed to non-statutory subject matter, as it does not fall under the four statutory classes of inventions. However, by way of the present amendment, Claims 4 and 12 are canceled. Therefore, the rejection of Claims 4 and 12 is rendered moot.

### **II. Rejection of Claims 1 – 12 Under 35 U.S.C. § 102(b)**

Claims 1 – 12 are rejected by the Examiner under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,092,194 issued to Touboul.

Touboul discloses a security program which operates in conjunction with a security database that includes known Downloadables. The Examiner contends that the known Downloadables are the same as the claimed permissions. A Downloadable is a downloadable application program. A Downloadable ID is generated from the URL of the Downloadable and recipient's userID. The Downloadable also includes a digital hash of the complete Downloadable code. A policy finder uses the Downloadable ID and userID of the recipient to determine the applicable stored security policy that applies to the Downloadable.

In contrast, the present invention does not check for security policies. Rather, the claims are directed to a permission token management system and method. The term "permission" is

defined in the specification as “a function restricted for security purposes”. Such functions, in the case of Java applets are separate snippets of programming code, or classes, which may be pre-installed on a terminal and accessed by the applets. Thus, the tokens do not correspond to security policies but instead correspond to these classes.

As currently amended Claims 1, 2, 5 and 10 clarify that permissions are restricted functions used by one or more application programs during normal operation. Moreover, the Touboul Downloadable ID is unique to that particular downloadable, while Applicant’s claimed token is not unique because many programs may require access to the same permission, as recited in Claims 1, 2, 5 and 10. There is no disclosure in Touboul of a token storage means or step for storing tokens which correspond respectively to a plurality of permissions installed in a terminal and are calculated by a predetermined conversion process performed to permission character strings indicating the permissions, as recited in claims 1,2,5 and 10.

It is well-settled by the Courts that “[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company, et al., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984).

Therefore, as demonstrated above, because Touboul does not disclose each and every element recited in the present claims, Applicant respectfully submits that the rejection has been obviated. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 1 – 3 and 5 – 11 under 35 U.S.C. § 102(b).

### CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 3 and 5 – 11 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



Paul J. Esatto, Jr.

Registration No. 30,749

SCULLY, SCOTT, MURPHY & PRESSER, P.C.  
400 Garden City Plaza - Ste. 300  
Garden City, New York 11530  
(516) 742-4343

PJE:DAT:jam